

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING
CURVE INTERNATIONAL, INC., MAGLA
PRODUCTS, LLC, WATER-JEL
TECHNOLOGIES, INC., and FIRST AID
ONLY, INC.,

Defendants.

07 Civ. 7061 (JSR/DCF)

NOTICE OF MOTION TO DISMISS

**ECF CASE
ELECTRONICALLY FILED**

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE THAT upon the accompanying Defendants' Memorandum of Law in Support of Motion to Dismiss, and upon all prior pleadings and proceedings herein, Defendants hereby move this Court on Monday, October 29, 2007, at 11:00 a.m., before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order dismissing Counts One, Two, Four, Seven, and Eight of the First Amended Complaint in their entirety with prejudice for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and granting such other and further relief as the Court deems just and proper.

According to the schedule approved by the Court, Plaintiffs' opposition to this motion is due on October 8, 2007, and Defendants' reply is due on October 17, 2007. Oral argument has been set for October 29, 2007, at 11:00 a.m.

WHEREFORE, Defendants request an Order granting their motion to dismiss those portions of the First Amended Complaint that fail to state a cause of action and for any such further relief as this Court may deem just and proper.

Dated: September 20, 2007

Respectfully submitted,

HOGAN & HARTSON, L.L.P.

By: s/Jonathan L. Abram
Jonathan L. Abram (admitted pro hac vice)
Raymond A. Kurz (admitted pro hac vice)
555 Thirteenth Street, N.W.
Washington, D.C. 20004
Tel: (202) 637-5681
Fax: (202) 637-5910

Counsel for Defendants

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that on the 20th day of September, 2007, I caused a true and correct copy of the foregoing to be served upon the following via the Court's ECF Notification System:

Gregory L. Diskant
Sarah Elizabeth Zgliniec
Patterson, Belknap, Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
(212) 336-2710
Fax: (212) 336-2222
Email: gldiskant@pbwt.com
Email: sezgliniec@pbwt.com

Richard Zachary Lehv
Roger L. Zissu
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10004
(212) 813-5900
Fax: (212)-813-5901
Email: rlehv@frosszelnick.com
Email: rzissu@frosszelnick.com

s/ Jonathan L. Abram
Jonathan L. Abram